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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,791	03/26/2004	Elod Gyenge	2725.US01	7133

48222 7590 01/20/2006  
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SUITE 440  
WASHINGTON, DC 20015

EXAMINER
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WEINER, LAURA S

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,791	<b>Applicant(s)</b> GYENGE ET AL.	
	<b>Examiner</b> Laura S. Weiner	<b>Art Unit</b> 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8-15,17,18 and 20-31 is/are pending in the application.
- 4a) Of the above claim(s) 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-15,17,18,20 and 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11-29-05 have been fully considered but they are not persuasive. The rejection of claims 1, 15, 20 under 35 U.S.C. 102(b) as being anticipated by Fernandez et al. (ES 2110 365 A1, abstract) remains and the rejection of claims 1, 11, 15, 20 under 35 U.S.C. 102(b) as being anticipated by Horie et al. (JP 5-74464, abstract) remains because "circuitous" means "having a circular or winding course" as defined in Merriam-Webster OnLine, shown in Exhibit A. A grid can be considered having a winding course.

Fernandez et al. teaches a lead acid battery having a positive electrode with lead-calcium grid coated with alloy of lead-tin and silver.

Horie et al. teaches a grid having lead-tin alloy layer.

### ***Election/Restrictions***

2. Claims 21-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6-16-05.

### ***Claim Rejections - 35 USC § 112***

3. Claims 1, 4-6, 8-15, 17-18, 20, 27-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 17 are rejected because it is unclear what is meant by "having surfaces defining circuitous pores".

Claim 10 is rejected because it is unclear what is meant by "a frame-mountable".

Claim 14 is rejected because it is unclear how an alloy can have a thickness. A layer of the alloy can have a thickness.

Claim 15 is rejected because it is unclear what is meant by "paste coating at least a portion of the layer of lead-tin alloy thereby configuring the current collector as a lead-acid battery electrode". Also, an electrode can comprise a current collector.

Claim 20 is rejected because it is unclear what is meant by "an active material coating at least a portion of the metal alloy". There should be a "a" before reticulated substrate.

#### ***Claim Rejections - 35 USC § 102***

4. Claims 1, 15, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez et al. (ES 2110 365 A1, abstract).

Fernandez et al. teaches a lead acid battery having a positive electrode with lead-calcium grid coated with alloy of lead-tin and silver.

5. Claims 1, 11, 15, 20, 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Horie et al. (JP 5-74464, abstract).

Horie et al. teaches an anode for a lead-acid storage battery in which the ratio of the mole number of PbO<sub>2</sub> cathode active material at complete charging to that of the sulfuric acid in electrolyte is not more than 1.0. A grid having lead-tin alloy layer where the tin content is 3-20 wt% is provided on the cathode grid on the whole or part of the surface of a base made by lead—tin-calcium alloy.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura S. Weiner whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Laura S. Weiner', is positioned above the printed name and title.

Laura S Weiner  
Primary Examiner  
Art Unit 1745

January 18, 2006

Exhibit A



# Merriam-Webster OnLine

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## circuitous

One entry found for circuitous.

Main Entry: **circu-i-tous** 

Pronunciation: (") s&amp;r-'kyü-&amp;-t&amp;s

Function: *adjective*Etymology: perhaps from Medieval Latin *circuitosus*, from Latin *circuitus*1 : having a circular or winding course <a *circuitous* route>

2 : not being forthright or direct in language or action

- **circu-i-tous-ly** *adverb*- **circu-i-tous-ness** *noun*For More Information on "circuitous" go to Britannica.comGet the Top 10 Search Results for "circuitous"

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